

JSM/RAD/bla-12669.A1A5

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

The Estate of ERNESTINE COMACHO, )  
by and through its Administrator, HILDA )  
GUTIERREZ, )  
   )  
   Plaintiff, )  
vs.   )  No. 11 CV 789  
   )  
   )  
SSC WESTCHESTER OPERATING )  
COMPANY, LLC, d/b/a Westchester )  
Health & Rehabilitation Center, )  
   )  
   Defendant. )

NOTICE OF REMOVAL

TO: Clerk of the United States District Court  
Northern District of Illinois  
Eastern Division at Chicago  
219 S. Dearborn St.  
Chicago, IL 60604

Richard M. Goldman  
RICHARD M. GOLDMAN  
555 Skokie Blvd.  
Suite 500  
Northbrook, IL 60062

Clerk of the Circuit Court of Cook County  
50 W. Washington St.  
Chicago, IL 60601

Defendant, SSC WESTCHESTER OPERATING COMPANY, LLC, a Limited Liability Company d/b/a WESTCHESTER HEALTH AND REHABILITATION CENTER, provides this Notice of Removal based on diversity of citizenship under 28 U.S.C. §1441. The specific grounds for removal are as follows:

1. On December 21, 2010, Plaintiff, an Illinois citizen, commenced this Survival

and Wrongful Death action in the Circuit Court of Cook County, Illinois, entitled: The Estate of ERNESTINE COMACHO, by and through its Administrator, HILDA GUTIERREZ v. SSC WESTCHESTER OPERATING COMPANY, LLC, d/b/a Westchester Health & Rehabilitation Center, Case No. 10 L 14384. (See Complaint and Summons included in Group Exhibit "A".)

2. Defendant, SSC WESTCHESTER OPERATING COMPANY, LLC, a Limited Liability Company d/b/a WESTCHESTER HEALTH AND REHABILITATION CENTER, was served with a copy of the summons and Complaint on 1/05/11.

3. This Notice of Removal is brought under 28 U.S.C. §1441 and 1446. This court has jurisdiction pursuant to 28 U.S.C. §1332 on the basis that there is complete diversity of citizenship between the parties and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000).

4. Defendant, SSC WESTCHESTER OPERATING COMPANY, LLC, a Limited Liability Company d/b/a WESTCHESTER HEALTH AND REHABILITATION CENTER, is a citizen of the states of New Jersey and New York.

5. There is complete diversity of citizenship between the parties under 28 U.S.C. §1332.

6. This action is a lawsuit arising out of claims of negligence and violation of the Illinois Nursing Home Care Act. Although defendant denies that plaintiff is entitled to any relief whatsoever, this defendant believes, in good faith, that the amount in controversy exceeds seventy-five thousand dollars (\$75,000).

7. The underlying state court action is one in which this court has original jurisdiction under the provisions of the 28 U.S.C. §1332 and is one that may be removed to this Court by the defendant pursuant to the provisions of 28 U.S.C. §1441 because the

matter is controversy exceeds the sum or value of seventy-five thousand dollars (\$75,000) exclusive of costs and interest and there is complete diversity between plaintiff and defendant.

8. Pursuant to 28 U.S.C. §1446(a), a copy of the court file, including a copy of all process, pleadings, and orders served upon defendants is attached as Group Exhibit "A".

9. Defendant, SSC WESTCHESTER OPERATING COMPANY, LLC, a Limited Liability Company d/b/a WESTCHESTER HEALTH AND REHABILITATION CENTER, is providing written notice of the filing of this Notice of Removal to all attorneys of record and the Clerk of the Circuit Court of Cook County.

Respectfully submitted,

**myers & miller<sup>LLC</sup>**

By: /s/J. Scott Myers  
Attorneys for defendant,  
SSC WESTCHESTER OPERATING  
COMPANY, LLC, a Limited Liability  
Company d/b/a WESTCHESTER  
HEALTH AND REHABILITATION  
CENTER

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